



EPA REGION 10 RTOC

Regional Tribal Operations Committee

Curyung Tribal Council, PO BOX 216 Dillingham, AK 99576

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TOPICS FORM

Meeting Date:

**To better assist you with your questions and concerns
please fill out this form with each issue you wish to discuss.**

All forms are due 2 weeks (14 days) prior to the meeting.

Name: Bobbi Anne Barnowsky

Tribe: Alutiiq Tribe of Old Harbor

Email: Bobbi.barnowsky@ohtcmail.org

Topic Title: Impact of mines on Small Tribes

Increased requirements yet no increase in funding

Description:

In Alaska, many mines are being proposed or currently in progress that have been build by the Native Corporations. The long term impact of these mines on small tribes is devastating. The funds set aside to "clean up" the sites but is this funding truly enough to keep the people safe.

The GAP guidance is increasing the requirements for IGAP programs. You need people to have higher qualifications to complete the work which means paying higher salaries. The cost to purchase equipments do supplies is increasing, especially for safety equipment.

Concern:

What can small tribes do to protect themselves? How can EPA help them? In many cases, the smaller tribes do not have the knowledge to protect themselves or understand the risks.

How can tribes complete the increased requirements without an increase in funding? IGAP funding has not been increased in over 10 years.

Requested Action:

_We'd like to see EPA reach out to smaller tribes to understand the impact of the potential mine or the existing mine as to how they can protect themselves.

Tribes would like to know what they can do to get their funding increased.

EPA Response (GAP Funding Concerns)

Provided by: Sally Thomas
TTAU Unit Manager
ETPA

- “Tribes would like to know what they can do to get their funding increased.”
- The concept seems simple – the response is a bit complicated....
- Our response could include:
 - Our interest in getting the announcement letter out in Oct – to give tribes time to prepare their proposals before Jan.
 - Not having a Federal budget (IGAP allocation) defined until sometime after the new year (after Jan), often AFTER proposals have been received.
 - Not knowing the number of tribes that will be requesting a GAP grant (numbers change from year to year).
 - The volume of proposals received vs the Project Officers to manage them, and the nature of the proposals (some need a lot of work).

EPA Response (Mining Concerns)

Provided by: Ken Marcy
Regional Mining Coordinator
ECL

- Tribes often communicate concerns with respect to proposed and operating mining operations – mines located both in the US and in Canada - and the potential for these operations to impact human health and the environment which provides the basis for tribal life. Modern mining operations tend to have very large footprints, require substantial support infrastructure, and have the potential to impact groundwater, surface water and air quality – during operations and after the mines are closed. Some mining operations will require long term water treatment forever to ensure that downstream surface water and fisheries are not impacted.
- Typically mining operations in the US are required to have funds set aside – called financial assurance - in bonds or trust funds to cover part or all of the costs associated with site closure. The regulations covering the amount of these funds and what they cover depends on land ownership. In Alaska, for example, if the mine is located on privately held land, or state land, Alaska DNR regulations determine the amount and type of financial assurance. If the mine is located on BLM or Forest Service lands, regulations developed by these agencies will determine the amount of coverage. Currently EPA is developing a rule nationally that if approved would establish financial assurance requirements for all hard rock mines to address spills and releases under the Superfund law. The draft rule is targeted for next year – tribes will have the opportunity to

comment, and EPA Region 10 can update RTOC regarding the scheduling for the public comment period.

- (Linda – I have a slightly dated copy of the FA in place for the active mines in AK – do you want this? I can get it to you tomorrow – I don't have it electronically, I'll need to scan). FA regulations in Alaska, relative to many other states, is fairly robust. The amount of FA available for the active hard rock mines in AK is likely sufficient to cover the closure and long term water treatment at these sites. The FA available, however, is unlikely to be sufficient in the event of some type of catastrophic release similar to the breach of the tailings dam at the Mt. Polley mine in BC.
- EPA Region 10 has been very active in raising the importance of adequate FA for mining operations. When new mines are proposed, or existing mines propose an expansion, EPA is involved in the review of the environmental assessments, and in every instance, EPA requests that FA cost information be provided to the public for review and comment. EPA is currently reviewing materials for the proposed Donlin Mine in NW Alaska and is looking closely at the FA information provided. When the EIS becomes available for public comment, tribes should review this section closely and provide formal comments.
- Similarly, EPA Region 10 has been very active in reviewing environmental assessments for proposed Canadian mining projects and providing technical comments. Several BC mines have been of great concern to Tribes in SE Alaska, and EPA has elevated these concerns to 3 US/Canada bilateral meetings, and is working closely with the State of Alaska to develop a comprehensive strategy for dealing with the potential transboundary impacts from these operations. EPA is also working with the Tribal Transboundary Mining Workgroup to develop and propose a mechanism to ensure that downstream community concerns are heard. EPA will update RTOC as these efforts develop, and a clearer path to Tribal participation is crystalized.



National Tribal Mining Workgroup Progress Report

**Indian General Assistance Program
Special Project**

Fiscal Year 2015

Prepared by

**Nez Perce Tribe
Water Resources Division
June 11, 2015**

**Kevin Brackney, M.S., P.G.
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Introduction

The Tribal Mining Workgroup officially began with its first conference call on April 21, 2015. Progress to date includes bid solicitation and award of a contract to EPA Alliance Training Group on March 31, 2015. Five Tribal representatives have agreed to serve on the committee. Conference calls have been held twice monthly. Additionally, EPA Alliance agreed to participate in monthly EPA Mine Working Group conference and facilitate the activities of both groups with the goal of developing the Mine-NEPA 201 Training, which is tentatively scheduled for the Spring of 2016 at a location to be determined.

EPA Alliance has developed a Workgroup Website and Digital Sharesite to facilitate the functions of the Workgroup. A 1.5 day Workgroup in-person meeting has been scheduled in Scottsdale, AZ for October 21-22, 2015 and a contract with the Hilton Garden Inn is being negotiated with the hotel. EPA Alliance is in the process of developing a registration link for Workgroup members to register for the Workshop.

The Workgroup submitted a proposal to the Tribal Lands and Environment Forum, Minneapolis, MN, 8/17-8/20/2015 to host a panel discussion presenting the progress of the Workgroup and to solicit input from attendees on topics for the EPA Mine 201 Training. Concurrently, Lynn Hood with EPA submitted a proposal to host a one day Mine NEPA 101 Training. Both proposals were accepted by the conference organizers

Kevin Brackney, NTMW Chairman, attended a Mining Environmental Compliance Workshop hosted by EPA Alliance in Scottsdale, AZ in December 2014. To date the project has expended \$12,144.48 with a balance of \$77,855.52 (86.51% of total) remaining.

Activities Summary

The following bullet list describes the activities and accomplishments of the Workgroup:

1. Kevin Brackney, NTMW Chairman, attended a Mining Environmental Compliance Workshop hosted by EPA Alliance in Scottsdale, AZ in December 2014.
2. Developed a Request for Proposals and submitted via Email to eight companies with experience in Mining NEPA and facilitating Tribal Workgroups.
3. Four companies submitted proposals, which were scored utilizing standardized criteria and reviewed by the Nez Perce Tribal Employment Rights Office (TERO).
4. A contract was drafted between the Tribe and EPA Alliance, reviewed by Tribal Office of Legal Counsel.
5. Resolution accepting contract was approved by the Tribal Executive Committee on March 24, 2015 and the contract was signed by the Tribe on March 31, 2015.
6. Conference calls began April 21, 2015 and a schedule through June 23 was distributed by EPA Alliance.

7. EPA Alliance agreed to also facilitate the EPA Tribal Mining Workgroup monthly conference calls. The first call took place on April 21, 2015.
8. EPA Alliance developed a NTMW Sharesite which is proving to be quite useful to upload and download NTMW documents (<https://ws.onehub.com/workspaces/725478/files>).
9. EPA Alliance developed a NTMW Website which is now live (<http://www.ntmw.org/>). The training materials for EPA's Mining and NEPA Workshop 101 are available for download from the webpage.
10. Sent John Herbst, EPA RTOC Representative, on May 27 an invitation to solicit participation from other EPA RTOCs with interests in mining.
11. EPA Alliance is negotiating a contract with the Hilton Garden Inn, Scottsdale, AZ to host the NTMW Workshop to develop Mining NEPA 201 Training Curriculum to be held October 21-22, 2015. A registration link is being developed for the Sharesite.
12. Sent Rick Eichstaedt, R10 RTOC Representative and NTMW Adjunct Member an invitation on May 29 to solicit input from other EPA RTOCs.
13. NTMW will host a panel discussion at the Tribal Lands and Environment Forum to present the workgroup, solicit input from participants as the Tribal needs for input into mining projects, and promote the Mining and NEPA Training 201 course in 2016. Concurrently, EPA will also be presenting an 8-hr Mining NEPA 101 Training at the Environmental Forum. EPA would like all participants planning on attending the Mining 201 training to have previously attended the Mining 101 Training.
14. To date the project has expended \$12,144.48 with a balance of \$77,855.52 (86.51% of total) remaining.

Table 1. Tribal Mining Workgroup Membership

Name	Affiliation	EPA Region	Email	Telephone	Workgroup =WG
Kevin Brackney	Nez Perce Tribe	R10	kevinb@nezperce.org	208-621-3893	WG-Chair
Jennifer Hanlon	Tlingit and Haida Tribes	R10	jhanlon@ccthita.org	800.344.1432/ x7185	WG
Esteban Chiriboga	Great Lakes Indian Fish and Wildlife Commission (GLIWFC)	R5	esteban@glifwc.org	608-263-2873	WG
Dennis Yellow Thunder	Oglala Lakota Sioux THPO	R8	dyellowthunder@gmail.com	605-441-3416	WG
Laurie Suter	Tohono O'odham Nation - Mineral Resources Administrator	R9	Laurie Suter <Laurie.Suter@tonation-nsn.gov>	520-383-3031	WG
Ken Marcy	EPA Mining Coordinator	R10	Marcy.Ken@epamail.epa.gov	206-553-6061	EPA
Lynn Hood	Environmental Scientist NEPA Review	R10	Lynne Hood (Hood.Lynne@epa.gov)	208-378-5757	EPA
Jim Zokan	EPA Tribal Coordinator	R10	Jim Zokan (Zokan.Jim@epamail.epa.gov)	(208) 378-5691	EPA
Rick Eichstaedt	RTOC	R10	Rick Eichstaedt (ricke@cforjustice.org)	509-853-5211	Adjunct

Financial Statement

Significant salary resources were expended by Kevin Brackney soliciting and reviewing bids and complying with Tribal Policies and Procedures towards getting an approved contract with EPA Alliance. It's not certain that sufficient Personnel and Fringe Benefits funds are remaining in the account. The Travel line item includes the expenses of attending the Mining Environmental Compliance Workshop in Scottsdale. The "Other" line item includes the tuition for attending the above referenced Workshop. Overall, 88% of the funds are available for the purposes of the project.

Table 2, Year to Date Financial Statement, 06/08/2015

	Appropriation	YTD Expenditures	Available	% Available
a. Personnel	6560.00	6317.31	242.69	3.70
b. Fringe Benefits	2371.00	683.11	1687.89	71.19
c. Travel	2984.00	1838.06	1145.94	38.40
d. Equipment	0.00	0.00	0.00	0.00
e. Supplies	1457.00	0.00	1457.00	100.00
f. Contractual	45001.00	0.00	45001.00	100.00
g. Construction	0.00	0.00	0.00	0.00
h. Other h.(1-5)	22484.00	895.00	21589.00	96.02
j. Indirect Charges	9143.00	2411.00	6732.00	73.63
k. Total	90000.00	12144.48	77855.52	86.51